

a single door located in an area in proximity to the first and second inlets, the door being configured to change a position thereof within the door area;

a first air passage extending from the door area to the opening of the first compartment;

a second air passage extending from the door area to the opening of the second compartment;

a wall extending from the scroll case toward the door area and dividing the first and second air passages; and

wherein the wall and the single door are configured to cooperatively control air flows into the first and second passages from at least one of the first and second inlets.

28. (New) The air conditioner of Claim 27, wherein the wall is configured such that, when the door is in a position closest to the wall, the first air passage is connected substantially solely to the first inlet while the second air passage is connected substantially solely to the second inlet.

29. (New) The air conditioner of Claim 27, wherein the second air passage comprises a portion extending along a side of the scroll case.

30. (New) The air conditioner of Claim 27, further comprising first and second fans located in the first and second compartments of the scroll case, respectively, and further comprising a motor for driving the first and second fans, wherein the motor is located outside the scroll case.

31. (New) The air conditioner of Claim 27, wherein the door is hinged at a point between the first and second inlet, and wherein the door is configured to hingedly move between a position closing the first inlet and a position closing the second inlet.

#### REMARKS

Applicants have canceled Claims 1-11 without prejudice and added new Claims 12-31. As discussed below, the new claims do not constitute the addition of new matter. Claims 12-31 are pending in the application. Applicants respectfully request that the Examiner enter the amendments and reconsider the application in view of the foregoing amendments and the following comments.

The specific changes to the claims are shown on a separate set of pages attached hereto

and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are underlined while the deletions are ~~stricken through~~.

#### Discussion of New Claims

The recitations of Claims 12, 15-17, 24, 26, 27, 29 and 31 are supported, for example, by Figures 2, 4, 6, 8 and 9, and the description of the drawings in the specification. Support for Claim 13, 14 and 28 is found, for example, in Figures 6 and 9 and their description in the specification. Claim 18 is supported, for example, by Figures 2, 4, 6, 8 and their description in the specification. Claim 19 is supported, for example, by canceled Claim 3 and Figure 9. Claim 20 is supported, for example, by canceled Claim 1. Claim 21, 23, 25 and 30 are supported, for example, by Figures 1-9 and their descriptions in the specification. Claim 22 is supported, for example, by canceled Claim 4. Accordingly, the new claims are all supported by the originally filed disclosure and claims. No new matter has been added. Applicants respectfully request the entry of the new claims.

#### Discussion of Objection to the Drawings

The Examiner has objected to the drawings because Figure 10 illustrating prior art is not legended "PRIOR ART." In reply, Applicants have added "PRIOR ART" in Figure 10 in the accompanying Request For Approval of Drawing Change. Approval for the change is respectfully requested.

#### Discussion of Rejections Under 35 U.S.C. § 102(b) and 103(a)

The Examiner rejected Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over JP 09-024,722 or JP 09-024,723 in view of JP 60-8,105. The Examiner rejected Claims 5-11 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 10-016,539 or JP 11-180,128 or JP 11-208,238 or JP 09-156,348 or JP 09-024,722 or JP 09-024,723. Applicants respectfully disagree with the Examiner and believe that Claims 1-11 are neither anticipated by or obvious over the cited references. In order to expedite the prosecution,

however, Applicants have cancelled Claims 1-11. In view of the cancellation of Claims 1-11, these rejections are moot.

#### Discussion of Patentability of New Claims

Applicants would like to discuss the patentability of the new claims over the references of record in the application. New Claims 12-31 are directed to an air conditioner for use in a vehicle. Claims 12 and 27 are in an independent format. Claims 13-26 and 28-31 depend from either Claim 12 or 27 and define additional technical features.

The presently claimed invention is patentable over the 13 references of record: US 5862677, JP 60-8105, JP09-024722, JP 09-024723, JP 09-156348, JP 09-240247, JP 09-240248, JP 10-000915, JP 10-016539, JP 10-086637, JP 11-180128, JP 11-208240 and JP 11-208238. Both independent **Claims 12 and 27** recite first and second inlets, **a single scroll case** with first and second compartments, first and second air passages to the two compartments, and **a single door** located near the two inlets. **Claim 12** also recites, among other things, the features of “a structure formed on a surface of the scroll case [and]... configured such that the position of the door relative to the structure can control air flow into the first and second passages from at least one of the first and second inlets.” On the other hand, **Claim 27** further recites, among other things, the features of “a wall extending from the scroll case ... dividing the first and second air passages” and “the wall and the single door [] configured to cooperatively control air flows into the first and second passages from at least one of the first and second inlets.”

**JP 09-156348, JP 09-240247, JP 09-240248, JP 10-000915, JP 10-016539, JP 10-086637, JP 11-180128, JP 11-208240, JP 11-208238** and **US 5862677** neither disclose nor suggest the claimed feature of “single door.” These references disclose only **two-door** configurations for controlling air flows into air conditioners. Among these references, **JP 09-240247** and **JP 09-240248** disclose one sliding door (“14a” in Fig. 3 in JP 09-240247 and “5” in Fig. 1 in JP 09-240248) and one hinged door (“14b” in JP 09-240247 and “6” in JP 09-240248). All of the other references show two hinged doors.

**JP 60-8105** discloses a single-door configuration for controlling air from two inlets. As shown in Figures 8 and 9, however, this single-door configuration is applicable only to the construction of **two separate scroll case, having openings toward the area between the two**

**scroll cases.** This is supported by the fact that **two-door configuration** is adopted in all of the other constructions, in which two scroll cases have openings **not toward the area between themselves.** See Figures 1 and 3-7 of JP 60-8105. Further, all of the constructions in this reference have two separate scroll cases. Nor the constructions of this reference disclose or teach a structure or wall formed on the single scroll case. Therefore, a single-door configuration of JP 60-8105 would provide no teaching, suggestion or motivation to modify an air conditioner having a single scroll case for two fans to arrive at the presently claimed invention.

**JP09-024722** and **JP 09-024723** disclose a single door (43) for controlling air flows from the two inlets in their Figure 8's. However, nothing in these two references discloses or teaches a structure or wall on the scroll case surface. Accordingly, the reference can teach neither the feature that the position of the door relative to the structure can control air flows, nor the feature that the structure and the single door can cooperatively control air flows." Therefore, the single door configuration in Figure 8's of JP09-024722 and JP 09-024723 would provide no teaching, suggestion or motivation to modify an air conditioner to arrive at the presently claimed invention.

As such, Claims 12 and 27 are patentably distinguishable from the cited references. In view of the patentability of Claims 12 and 27 and in further view of the additional technical features, Claims 13-26 and 28-31 are patentable over the cited references.

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**CONCLUSION**

In view of Applicants' amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/6/02

By: 

Mincheol Kim  
Registration No. 51,306  
Agent of Record  
Customer No. 20,995  
(619) 235-8550

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